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10/719,523	11/21/2003	Kenneth J. Rothschild	AMBER-08501	3365

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EXAMINER	
SCHLAPKOHL, WALTER	
ART UNIT	**PAPER NUMBER**
1636	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/719,523	ROTHSCHILD ET AL.	
	Examiner	Art Unit	
	Walter Schlapkohl	1636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-37* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 5 and wherein the template comprises a region of the APC gene, classified in class 536, subclass 24.33.

II. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 5 and wherein the template comprises a region of the NF1 gene, classified in class 536, subclass 24.33.

III. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 5 and wherein the template comprises a region of the NF2 gene, classified in class 536, subclass 24.33.

IV. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 5 and wherein the template comprises a region of the BRCA1 gene, classified in class 536, subclass 24.33.

V. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 5 and wherein the template

comprises a region of the BRCA2 gene, classified in class 536, subclass 24.33.

VI. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 6 and wherein the template comprises a region of the APC gene, classified in class 536, subclass 24.33.

VII. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 6 and wherein the template comprises a region of the NF1 gene, classified in class 536, subclass 24.33.

VIII. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 6 and wherein the template comprises a region of the NF2 gene, classified in class 536, subclass 24.33.

IX. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 6 and wherein the template comprises a region of the BRCA1 gene, classified in class 536, subclass 24.33.

X. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 6 and wherein the template comprises a region of the BRCA2 gene, classified in class 536, subclass 24.33.

XI. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 7 and wherein the template comprises a region of the APC gene, classified in class 536, subclass 24.33.

XII. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 7 and wherein the template comprises a region of the NF1 gene, classified in class 536, subclass 24.33.

XIII. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 7 and wherein the template comprises a region of the NF2 gene, classified in class 536, subclass 24.33.

XIV. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 7 and wherein the template comprises a region of the BRCA1 gene, classified in class 536, subclass 24.33.

XV. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 7 and wherein the template comprises a region of the BRCA2 gene, classified in class 536, subclass 24.33.

XVI. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 8 and wherein the template comprises a region of the APC gene, classified in class 536, subclass 24.33.

XVII. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 8 and wherein the template comprises a region of the NF1 gene, classified in class 536, subclass 24.33.

XVIII. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker

consisting of SEQ ID NO: 8 and wherein the template comprises a region of the NF2 gene, classified in class 536, subclass 24.33.

XIX. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 8 and wherein the template comprises a region of the BRCA1 gene, classified in class 536, subclass 24.33.

XX. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 8 and wherein the template comprises a region of the BRCA2 gene, classified in class 536, subclass 24.33.

XXI. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 9 and wherein the template comprises a region of the APC gene, classified in class 536, subclass 24.33.

XXII. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 9 and wherein the template comprises a region of the NF1 gene, classified in class 536, subclass 24.33.

XXIII. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 9 and wherein the template comprises a region of the NF2 gene, classified in class 536, subclass 24.33.

XXIV. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 9 and wherein the template comprises a region of the BRCA1 gene, classified in class 536, subclass 24.33.

XXV. Claims 2-8 and 10-15, drawn to a reaction mixture and a kit comprising two oligonucleotide primers comprising a sequence encoding for an epitope marker consisting of SEQ ID NO: 9 and wherein the template comprises a region of the BRCA2 gene, classified in class 536, subclass 24.33.

XXVI. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 5 and wherein the template comprises a region of a the APC gene, classified in class 435, subclass 91.2.

XXVII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 5 and wherein the template comprises a region of a the NF1 gene, classified in class 435, subclass 91.2.

XXVIII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 5 and wherein the template comprises a region of a the NF2 gene, classified in class 435, subclass 91.2.

XXIX. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 5 and wherein the template comprises a region of a the BRCA1 gene, classified in class 435, subclass 91.2.

XXX. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 5 and wherein

the template comprises a region of a the BRCA2 gene, classified in class 435, subclass 91.2.

XXXI. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 6 and wherein the template comprises a region of a the APC gene, classified in class 435, subclass 91.2.

XXXII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 6 and wherein the template comprises a region of a the NF1 gene, classified in class 435, subclass 91.2.

XXXIII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 6 and wherein the template comprises a region of a the NF2 gene, classified in class 435, subclass 91.2.

XXXIV. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 6 and wherein the template comprises a region of a the BRCA1 gene, classified in class 435, subclass 91.2.

XXXV. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker is consists of SEQ ID NO: 6 and wherein the template comprises a region of a the BRCA2 gene, classified in class 435, subclass 91.2.

XXXVI. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers

into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 7 and wherein the template comprises a region of a the APC gene, classified in class 435, subclass 91.2.

XXXVII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 7 and wherein the template comprises a region of a the NF1 gene, classified in class 435, subclass 91.2.

XXXVIII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 7 and wherein the template comprises a region of a the NF2 gene, classified in class 435, subclass 91.2.

XXXIX. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 7 and wherein the template comprises a region of a the BRCA1 gene, classified in class 435, subclass 91.2.

XL. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 7 and wherein the template comprises a region of a the BRCA2 gene, classified in class 435, subclass 91.2.

XLI. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 8 and wherein the template comprises a region of a the APC gene, classified in class 435, subclass 91.2.

XLII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 8 and wherein the template comprises a region of a the NF1 gene, classified in class 435, subclass 91.2.

XLIII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 8 and wherein the template comprises a region of a the NF2 gene, classified in class 435, subclass 91.2.

XLIV. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 8 and wherein the template comprises a region of a the BRCA1 gene, classified in class 435, subclass 91.2.

XLV. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 8 and wherein the template comprises a region of a the BRCA2 gene, classified in class 435, subclass 91.2.

XLVI. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 9 and wherein the template comprises a region of a the APC gene, classified in class 435, subclass 91.2.

XLVII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second

epitope marker consists of SEQ ID NO: 9 and wherein the template comprises a region of a the NF1 gene, classified in class 435, subclass 91.2.

XLVIII. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 9 and wherein the template comprises a region of a the NF2 gene, classified in class 435, subclass 91.2.

XLIX. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 9 and wherein the template comprises a region of a the BRCA1 gene, classified in class 435, subclass 91.2.

L. Claims 17-23, drawn to a method of introducing a coding sequence for a first and second epitope markers into nucleic acid comprising providing two primers, a polymerase and a template and wherein the second epitope marker consists of SEQ ID NO: 9 and wherein the template comprises a region of a the BRCA2 gene, classified in class 435, subclass 91.2.

LI. Claims 24-30, drawn to a method comprising providing an amplified template derived from a reaction mixture not comprising a template having a sequence coding for an affinity marker, a misaminoacylated tRNA and a translation system, classified in class 435, subclass 69.1.

LII. Claims 31-37, drawn to a method comprising providing an amplified template derived from a reaction mixture comprising a template having a sequence coding for an affinity marker and a translocation system and introducing said amplified template into said translation system and separating the nascent protein, classified in class 435, subclass 69.1.

Claims 1 and 9 link(s) inventions I-XXV. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim(s), claim 1 and 9. Claim 16 link(s) inventions XXVI-L. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim(s), claim 16. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Groups I-L are comprised of multiple inventions which are the products and methods drawn to different and distinct sequences which do not render each other obvious and thus are patentably distinct. Applicant must elect a single invention which is the product or method drawn to one specific sequence to which the claims will be restricted. Applicant must also indicate which claims are readable on the elected invention. This is not an election of species because the different sequences are not drawn to different species, but are drawn to different inventions. Note: this restriction to examination of a single sequence is due to the now very high and undue burden for examining more than one sequence which is caused by the continued exponential increase of size of the sequence databases to be searched for each sequence, resulting in a corresponding increase in computer search time and examination time for reviewing the computer search results. Therefore, the limited resources of the Office no longer permit examination of more than one sequence in an application.

Note: the non-standard format of this restriction, separating the inventions into multi-invention groups drawn to distinct types of products and methods, followed by an election of a single invention drawn to one sequence within the elected multi-invention group was done for the sake of compactness of

communication and clarity, instead of using the more standard format setting forth each separate invention which would require a much longer and less clear communication.

Inventions of Groups XXVI-L, LI and LII are biologically and functionally different and distinct from each other and thus one does not render the other obvious. The methods of Groups XXVI-L, LI and LII comprise steps which are not required for or present in the methods of the other groups: introducing a coding sequence for epitope markers into nucleic acid comprising providing two primers, a polymerase and a template (Groups XXVI-L), providing a misaminoacylated tRNA, a translation system and an amplified template derived from a reaction mixture wherein the template does not comprise a sequence coding for an affinity marker (Group LI); and providing a translation system and an amplified template derived from a reaction mixture wherein the template comprises a sequence coding for an affinity marker, introducing said amplified template into said translation system, and separating the nascent protein (Group LII). Thus the operation, function and effects of these different methods are different and distinct from each other. Moreover, the inventions of Groups XXVI-L and Groups LI-LII are not classified in the same class. Furthermore, the search for the inventions

of Groups XXVI-L, LI and LII would not be coextensive and, as such, would pose a search burden upon the examiner.

Inventions I-XXV and XXVI-L are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, any of the Group I-XXV inventions could be used in the methods of Groups XXVI-L.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as evidenced by their different classifications and because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the searches required for Groups I-XXV are not required for Groups XXVI-L, restriction for examination purposes as indicated is proper.

The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and a product claim is subsequently found

allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP § 821.04. **Process claims that depend from or otherwise include all the limitations of the patentable product** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103, and 112. Until an elected product claim is found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowed product claim will not be rejoined. See "Guidance on Treatment of Product and Process Claims in light of In re Ochiai, In re Brouwer and 35 U.S.C. § 103(b)," 1184 O.G. 86 (March 26, 1996). Additionally, in order to retain the right to rejoinder in accordance with the above policy, Applicant is advised that the process claims should be amended during prosecution either to maintain dependency on the product claims or to otherwise include the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Except for the specific relationships described above, the inventions of Groups I-XXVI and Groups LI-LII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects

(MPEP § 806.04, MPEP § 808.01). In the instant case, the products of Groups I-XXVI are not used in or made by the methods of Groups LI and LII.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Groups I-XXVI is not required for Groups LI-LII, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Certain papers related to this application may be submitted to the Art Unit 1636 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone number for the Group is (571) 273-8300. Note: If Applicant *does* submit a paper by fax, the original signed copy should be retained by Applicant or Applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent applications to view

the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at (800) 786-9199.

Any inquiry concerning rejections or objections in this communication or earlier communications from the examiner should be directed to Walter A. Schlapkohl whose telephone number is (571) 272-4439. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. A phone message left at this number will be responded to as soon as possible (i.e., shortly after the examiner returns to his office.)

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached at (571) 272-0781.

Walter A. Schlapkohl, Ph.D.
Patent Examiner
Art Unit 1636

January 22, 2006

JAMES KETTER
PRIMARY EXAMINER